

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Applicants respectfully request that the foregoing amendments be entered, at least because they are in the form of clarifying amendments, and because they place the application in condition for allowance.

Claims 1, 8 and 15-17 are currently being amended. The amendments to claims 1, 8 and 15-17 are clarifying amendments.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-17 remain pending in this application.

Rejections under 35 U.S.C. §§ 102 and 103

Claims 1-14 and 16-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication 2004/0010471 to Lenard (“Lenard”) in view of U.S. Patent No. 5,752,041 to Fosdick (“Fosdick”). Claim 15 stands rejected under 35 U.S.C. § 102(e) as being unpatentable over Lenard. Applicants respectfully traverse these rejections for at least the following reasons.

Independent claim 1, as amended, is directed to a telecommunications platform having a plurality of communications links of which only a portion of the links to a communications network are enabled for use through the activation of a first base license key, and where each link provides a certain amount of traffic capacity to the communications network. The telecommunications platform of claim 1 comprises “a licensing framework for activating an upgrade license key to enable additional ones of the plurality of links to the communications network.” Lenard and Fosdick fail to suggest at least this feature of claim 1.

Lenard is directed to a system for software license balancing in a system with two or more license servers located at different sites (abstract). When the number of software licenses available at one site falls below a predetermined number, and software licenses exist at an underutilized site, software licenses are transferred to the overutilized site, thus balancing the number of software licenses available at each site (abstract).

Lenard, however, fails to disclose any licensing framework for activating an upgrade license key to enable additional ones of a plurality of communication links to a communications network as recited in claim 1, where each communication link provides a certain amount of traffic capacity to the communications network. In claim 1, the number of enabled links determine the total traffic capacity of the telecommunications platform. Lenard merely discloses shifting the number of software licenses between server sites so that enough software licenses are available at high use sites for use by users of that server requesting licenses. Lenard, however, does not disclose that the traffic capacity to a particular server depends on the number of users connected to that server requesting licenses. Thus, the user connections to the server for users having a software license do not necessarily correspond to the communication links of claim 1, which have a certain amount of traffic capacity. Moreover, in claim 1 as amended, it has been clarified that the licensing framework is for activating an upgrade license key to enable additional ones of a plurality of communication links to a communications network. By contrast, Lenard merely discloses changing the numbers of users that may have a software license connected to a server, not a network. Lenard is not directed to changing the communication capacity to a communications network. Thus, Lenard, even if combined with Fosdick, fails to suggest all the features of claim 1.

Fosdick was cited for allegedly disclosing a traffic monitoring element, but fails to cure the deficiencies of Lenard.

Independent claims 8, 15, 16 and 17 respectively recite “activating an upgrade license key to enable additional ones of the plurality of links to the communications network”, “a licensing framework for activating an upgrade license key to temporarily enable additional

ones of the plurality of links to the communications network", "a licensing framework for activating an upgrade license key to enable additional ones of the plurality of links to the communications network", and "a licensing framework for activating an upgrade license key to enable additional ones of the plurality of links to the communications network", and thus are patentable for reasons analogous to claim 1.

The dependent claims are patentable for reasons analogous to their respective independent claims, as well as for further patentable features recited therein. For example, Lenard and Fosdick fail to suggest the features of at least dependent claims 2, 9, or 13, nor would such features have been obvious in light thereof.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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